

March 5, 2021

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V20011457-A20014514**

SYNDI O'DELL

Animal Services Enforcement Appeal

Activity no.: A20014514

Appellant: **Syndi O'Dell**

[REDACTED]
Kent, WA 98031

Telephone: [REDACTED]

Email: [REDACTED]

King County: Regional Animal Services of King County
represented by **Chelsea Eykel**
Regional Animal Services of King County
21615 64th Avenue S
Kent, WA 98032
Telephone: (206) 263-5968
Email: raskcappeals@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Regional Animal Services of King County (Animal Services) issued penalties for Syndi O'Dell not licensing any of her adult cats. Ms. O'Dell timely appealed. After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we deny her appeal.

Background

2. This case began as an animal welfare complaint. Yuri Fisher testified that she connected with Ms. O'Dell after reading Ms. O'Dell's internet advertisement of kittens for sale. Ms. Fisher purchased one Bengal kitten in July for \$1500, which Ms. O'Dell advised her was a discount off the normal \$2000 to \$3000 sale price. After that kitten died three months later, Ms. Fisher filed a complaint with Animal Services, asking them to investigate Ms. O'Dell's exotic cat business and the conditions the cats were being kept in. Ex. D2.
3. Ofc. Aaron Wheatley investigated. Mr. O'Dell showed him various cats. After his October 21 visit, Ofc. Wheatley wrote of kennels in generally filthy conditions, with old moldy feces and pungent urine smells. He explained to Brian O'Dell that the kennels need to be cleaned and disinfected. However, Ofc. Wheatley noted the cats in kennels themselves were in good condition and did not appear to be in any distress. Ex. D3 at 003, n.3.
4. Ofc. Wheatley visited again on October 30 and met with Ms. O'Dell. He found improvement—litter boxes recently cleaned, feces removed, and smells notably reduced. He determined that the overall living conditions for the cats met the code's requirements. As Ms. O'Dell said she was considering no longer breeding cats (and thus would not need a cattery license), he would give her a week to decide. Ex. D3 at 003, n.4.
5. Ofc. Wheatley followed up on November 6, and when Ms. O'Dell stated she was still in limbo as far as her future commercial breeding plans, Ofc. Wheatley explained that she still needed to license the animals she had. He gave her until the end of November to do so. As to the commercial cattery operations (which are regulated by Public Health, not Animal Services) he told her he would pass the cattery issue on to Public Health, and let them decide what to do. Ex. D3 at 003, n.5.
6. Ofc. Wheatley waited not just until the end of November, but until December 16 to verify that the O'Dells had obtain pet licenses for their six adult cats. Ex. D3 at 003, n.6. When he discovered they had not, he served a violation notice for having six unaltered and unlicensed pets, in violation of KCC 11.04.030.A (which requires all cats and dogs eight weeks old and older be licensed and registered). Ex. D4.
7. Ms. O'Dell appealed, asserting that she was not given a time limit to register the cats, that she registered the cats the next day, and that she cannot afford the fine. Ex. D6. We went to hearing on February 23. For those matters or issues raised in an appeal statement, Animal Services bears the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed. KCC 20.22.080.G; .210. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.
8. Ms. O'Dell testified that when Ofc. Wheatley spoke with then, neither she nor her husband heard him give them a deadline for licensing the cats. She received the notice on December 23, and she licensed her cats the next day. She never had the intention to not license her cats; she had been thinking of pushing it past Christmas. It was not intuitive for her to license her cats.

9. Ms. O'Dell stated that it has been 20 years since she purchased a cat. In five years of having a cattery, she has only been breeding kittens to show, not to sell. She rescued a number of cats from another cattery. There have been a number of personal hardships that have affected her in the past few years. She has been downsizing by giving cats away. In six months, she will end up having only two cats.

Analysis

10. This is not a scenario of a normal cat owner putting off getting a \$30 (altered) or \$60 (unaltered) pet license for a cat which (as cuddly as the cat may be) is already an economic drain. The total \$360 licensing costs for the six adult cats would have been less than a quarter of the payment she received for selling just the one kitten to Ms. Fisher, and that was a discount from the normal purchase price.
11. Even the \$1500 penalty Ms. O'Dell received for not having any pet licenses was no more than she received from a single commercial transaction. She experienced the monetary benefits of breeding and selling cats while avoiding pet licenses fees that other people who gain nothing monetarily from their cats have to fork over every year. And that was on top of avoiding the cattery license one must have before selling a cat. Moreover, it was not like licensing was a procedurally difficult process—she was able to license all six cats within a day of receiving the violation.
12. Where an individual has duly licensed a pet after the violation but before our hearing, we typically use our discretion and reduce the penalty. But not always. This is one of a small subset of licensing disputes to reach us where we do not find any penalty reduction warranted.

DECISION:

We deny Ms. O'Dell's appeal.

ORDERED March 5, 2021.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless appealed to superior court by *April 5, 2021*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

MINUTES OF THE FEBRUARY 23, 2021, HEARING IN THE APPEAL OF SYNDI O'DELL, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V20011457-A20014514

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Yuri Fisher, and Syndi O'Dell. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered and entered into the record by Animal Services:

Exhibit no. D1	Regional Animal Services of King County staff report to the Hearing Examiner
Exhibit no. D2	Online Complaint form of June 7, 2020 incident by Yuri Fisher, dated October 20, 2020
Exhibit no. D3	RASKC investigation report no. A20014514
Exhibit no. D4	Notice of violation no. V20011457-A20014514, issued December 16, 2020
Exhibit no. D5	NVOC mailing/tracking history
Exhibit no. D6	Appeal, received January 5, 2021
Exhibit no. D7	Map of subject area

DS/lo

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V20011457-A20014514**

SYNDI O'DELL

Animal Services Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that
I transmitted the

REPORT AND DECISION to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED March 5, 2021.



Lauren Olson
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Fisher, Yuri

Hardcopy

O'Dell, Syndi

Hardcopy

Regional Animal Services of King County